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MINISTRY OF ECONOMY OF UKRAINE

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21.02.06 № 126-31/33
На №

The Honorable Robert Portman
United States Trade Representative
600 17th Street, NW
Washington, DC 20508

Dear Ambassador Portman:

During recent discussion between representatives of our two Governments regarding the Ukraine's accession to the World Trade Organization (WTO), Ukraine provided the United States with information on actions that the Government of Ukraine is taking to bring its sanitary and phytosanitary (SPS) requirements into conformity with WTO rules. I have the honor to convey the Government of Ukraine's understanding of these and other actions that will be taken as the result of these discussions.

To that end, this letter elaborates on the steps that Ukraine is taking to address: (1) import restrictions due to Bovine Spongiform Encephalopathy (BSE); (2) regulation of meat and meat products from animals treated with hormones; (3) protections against avian influenza; (4) veterinary certification of pork imports; and (5) regulation of products derived from agricultural biotechnology. Ukraine will take the actions described in the following paragraphs in advance of Ukraine's accession to the WTO and will demonstrate that all relevant Ministries are applying the agreed measures.

With respect to BSE, Ukraine will abide by May 2005 World Organization for Animal Health (OIE) guidelines to manage the human and animal health risks associated with BSE. Ukraine will allow imports of live animals and meat and meat products from the United States under OIE guidelines for a country having a "controlled risk" for BSE, with the understanding that those products eligible for export under OIE Chapter 2.3.13.1 are acceptable for import with no BSE related conditions. Ukraine will accept an official United States Department of Agriculture-Food Safety and Inspection Service (USDA-FSIS) export certificate for live cattle, beef and beef products with agreed upon language for BSE.

Consistent with international standards, Ukraine will allow the import of all meat and meat products treated with growth promoting hormones. Ukraine will also include language in its Law of Veterinary Medicine stating that any maximum residue requirements for growth promoting hormones in food products of animal origin will be consistent with international standards approved by the Codex Alimentarius Commission. Ukraine will base its maximum residue limits for veterinary preparations, including antibiotics and hormones, on standards set by the CODEX Alimentarius. In instances where Ukraine has not set a maximum residue limit for a specific compound, it will defer

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to the standards set by CODEX. All maximum residue limits will be publicly available and disseminated via Ukraine's Enquiry Point. Any proposed limits will be adopted pursuant to normal procedures allowing for public comment on such proposals. Should Ukraine's maximum residue limit exceed CODEX standards or if a relevant CODEX standard does not exist, Ukraine will provide the supporting risk assessment to a WTO Member upon request.

Ukraine will implement measures regarding Avian Influenza that are consistent with OIE guidelines. Ukraine has provided the United States with a draft regulation on avian influenza and will promulgate and implement this regulation within 30 days.

Ukraine will take the necessary steps to align Ukrainian standards for trichinae in pork exports with international norms. Ukraine will accept implementation of internationally recognized methods of destruction for trichinae (i.e., freezing) in all pork and pork product imports. Ukraine will accept an official United States Department of Agriculture-Food Safety and Inspection Service (USDA-FSIS) export certificate for pork exports which will include agreed upon language for trichinae in pork.

Concerning the regulation of products derived from modern agricultural biotechnology, Ukraine will establish a policy based on modern risk assessment principles and guidelines, including those of the SPS and TBT Agreements, Codex Alimentarius Commission and the International Plant Protection Convention. Ukraine will establish and implement these procedures, including corresponding implementing regulations, within 30 days after enactment of the Biosafety Law, which is expected in 2006 but no later than the date of accession to the WTO. While this work is proceeding, Ukraine will continue to allow importation of products derived from agricultural biotechnology. Any labeling associated with modern agricultural biotechnology will also be based on the aforementioned scientific principles and guidelines.

We welcome continued consultations between our officials on issues relating to trade in agricultural products, whenever that becomes necessary. The Ministry of Economy of Ukraine, the Ministry of Agrarian policy of Ukraine, the Ministry of Health of Ukraine and the State Committee of Ukraine for technical regulation and consumer policy would be principally involved in any such consultations for Ukraine and we understand that the Office of the United States Trade Representative will head an interagency team and ensure that appropriate officials from relevant Departments, including the U.S. States Department of Agriculture, participate.

I would be grateful if you would confirm that your Government shares these understandings regarding trade in certain agricultural products. I have the further honor to propose that this letter and your reply confirming your Government's understandings shall constitute an agreement between our two governments.

Sincerely,

Minister of Economy of
Ukraine

A.Yatseniyuk

EXECUTIVE OFFICE OF THE PRESIDENT
THE UNITED STATES TRADE REPRESENTATIVE
WASHINGTON, D.C. 20508

FEB 22 2006

Minister Arseniy Yatsenyuk
Ministry of Economy
12/2 Hrushevskoho str.
01008, Kyiv
Republic of Ukraine

Dear Minister Yatsenyuk:

I have the honor to acknowledge receipt of your letter of February 21, 2006, which reads as follows:

> During recent discussion between representatives of our two Governments regarding Ukraine's accession to the World Trade Organization (WTO), Ukraine provided the United States with information on actions that the Government of Ukraine is taking to bring its sanitary and phytosanitary (SPS) requirements into conformity with WTO rules. I have the honor to convey the Government of Ukraine understanding of these and other actions that will be taken as the result of these discussions.
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> To that end, this letter elaborates on the steps that Ukraine is taking to address: (1) import restrictions due to Bovine Spongiform Encephalopathy (BSE); (2) regulation of meat and meat products from animals treated with hormones; (3) protections against avian influenza; (4) veterinary certification of pork imports; and (5) regulation of products derived from agricultural biotechnology. Ukraine will take the actions described in the following paragraphs in advance of Ukraine's accession to the WTO and will demonstrate that all relevant Ministries are applying the agreed measures.
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We welcome continued consultations between our officials on issues relating to trade in agricultural products, whenever that becomes necessary. The Ministry of Economy of Ukraine, the Ministry of Agrarian policy of Ukraine, the Ministry of Health of Ukraine, and the State Committee of Ukraine for technical regulation and consumer policy would be principally involved in any such consultations for Ukraine and we understand that the Office of the United States Trade Representative will head an interagency team and ensure that appropriate officials from relevant Departments, including the U.S. States Department of Agriculture, participate.

I would be grateful if you would confirm that your Government shares these understandings regarding trade in certain agricultural products. I have the further honor to propose that this letter and your reply confirming your Government's understandings shall constitute an agreement between our two governments.

I have the honor to confirm that the United States shares these understandings and that your letter and this letter in reply shall constitute an agreement between the United States and the Republic of Ukraine effective as of this date.

Sincerely,

Rob Portman